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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director Development Review
DATE: October 18, 2011

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18263
EXHIBIT NO. 31

SUBJECT: BZA Case 18263 – request for special exception relief under § 223 to construct an addition to an existing attached dwelling at 117 C Street, SE

I. RECOMMENDATION

With regard to this proposal to construct an addition to an existing row dwelling, the Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403 Lot Occupancy (60% allowed, 70% proposed);
- § 404 Rear Yard (20 feet required, zero feet proposed); and
- § 406 Court Width (9.5 feet required, 7 feet existing and proposed);

subject to the following conditions:

1. That the lattice roof over the walkway provide at least 51% coverage;
2. That the covered walkway provide a communication between the two portions of the building, rather than terminate at the blank rear wall of the existing house.

II. LOCATION AND SITE DESCRIPTION

Address	117 C Street, SE
Legal Description	Square 733, Lot 23
Ward and ANC	6, 6B-01
Zoning	CAP / R-4
Lot Characteristics	19 foot wide rowhouse lot; Elevation of alley about 3'6" lower than rear yard.
Adjacent Properties	Rowhouses; Two story carriage house at 115 C Street; One story garage at 119 C Street.
Neighborhood Character	Rowhouses on the subject block face; Large federal building across C Street; Four story office buildings to the west; Six story apartment building across the alley; The alley has a number of alley dwellings and carriage houses.
Historic Preservation	Capitol Hill Historic District; Project will also be reviewed by the CFA, and by the L'Enfant Trust because of an historic easement on the property.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Stephanie and John Lester, property owners
Proposal	Construct an addition at the rear of the property consisting of a covered walkway, a garage and a second dwelling unit above the garage; The applicant also proposes to construct an addition on top of the existing footprint of the principal structure.
Relief Sought	§223 - Additions to a One-Family Dwellings or Flats Section 223 is applicable when constructing an addition to an existing dwelling. In this case, the design incorporates a covered walkway which is intended to connect the main house with the garage structure, such that the garage would be an addition and not an accessory structure. Past precedent dictates that a trellised structure, though not enclosed, can be considered a meaningful connection if the lattice provides at least 51% coverage and if the covered walkway provides communication between the different parts of the building. The proposed walkway could provide 51% coverage. However, in the present design the walkway simply terminates at the back wall of the existing house and does not connect with a door. Therefore, while OP has reviewed the application pursuant to § 223, that review and recommendation is contingent on the applicant redesigning the walkway so that it provides legitimate communication between the two parts of the building.

IV. ZONING REQUIREMENTS

CAP / R-4 Zone	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. max. 3 stories max.	33.75 ft. 3 stories	No change	None required
Lot Area (sq. ft.) § 401	1,800 sf min.	2,270.5 sf	No change	None required
Lot Width (ft.) § 401	18 ft. min.	19 ft.	No change	None required
Lot Occupancy § 403	60% max.	44.3% 1,005.2 sf	70.0% 1,588.5 sf	Requested
Rear Yard (ft.) § 404	20 ft. min.	52.9 ft.	0 ft.	Requested
Side Yard (ft.) § 405	None required	0 ft.	No change	None required
Court § 406	Open Court Width – 9.5 ft. min.	7 ft.	Increase in height of court	Requested

V. OP ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat[,] ...even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3[,] shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

The existing structure on the property is used as a single family attached dwelling. The applicant proposes to add to the dwelling and create a flat, which is a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403, 404 and 406, Lot Occupancy, Rear Yard and Courts, respectively.

223.2 *The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*

Neither light nor air would be unduly impacted as a result of the proposed construction. Garages already exist to the east and west of the proposed garage, the one to the west being a two story carriage house. There would still be significant yard space between the garage portion of the addition and the main part of the house, and between the garage portion of the addition and nearby houses. Additions above the existing footprint of the house would also not impact light or air.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

Privacy would not be unduly compromised. Windows in the addition would only face onto the alley, the large court between the garage and the main part of the house, or the open court to the side of the existing house. While some views onto neighboring properties would be possible, it is no greater a visual intrusion than is typically found in an urban neighborhood. Fences between the properties would help maintain privacy.

(c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The addition will not intrude upon the character of the alley. The alley has several two story carriage houses and alley dwellings. The alley is also bordered by an apartment building and office buildings, so the garage portion of the addition would be of a scale compatible with its surroundings. The portion of the addition above the footprint of the existing house would not be out of character with the larger rowhouses in the neighborhood.

(d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the*

proposed addition or accessory structure to adjacent buildings and views from public ways.

The application includes plans, elevations and photographs of the subject site, and schematics of the surrounding neighborhood.

223.3 The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

The application proposes 70% lot occupancy, which is permitted in the R-4 zone.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

The Office of Planning recommends no special treatment for the design.

223.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The application proposes a flat, which is a permitted use in the R-4 zone.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VII. COMMUNITY COMMENTS

As of this writing the Office of Planning has not received comments on the application from the ANC or the community.